IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11282 of 2002

Between:

BC,SC & ST Welfare Association rep. by its Organising Secretary N.Ashok Kumar, S/o Ramappa, R/o. Kachiguda, H. No. 3-2-4/1/5, Hyderabad.

..... PETITIONER

AND

1 NALSAR ,
University of Law, Hyderabad rep. by its Registrar.
2 The Government of Andhra Pradesh represented by its Secretary, Law Department, Hyderabad, Andhra Pradesh.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus ,directing the respondent No.1 and 2 to extend reservations of 25% of seats for Backward Classes into admission to the 5 year integrated B.A.B.L.(Hons) Degree of the respondent University and consequently declare the admission Notice 2002 -2003 as illegal, unconstitutional.

Counsel for the Petitioner:MR.J.SATYA PRASAD

Counsel for the Respondent No.1: Mr. D.V. Sitharama Murthy

Counsel for the Respondent No.2: GP FOR SOCIAL WELFARE

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

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This writ petition was filed on 17.6.2002 by BC. SC. & ST. Welfare Association praying for a Writ of Mandamus for extension of reservation of 25% of seats for Backward Class people who are seeking admission into five year integrated B.A., B.L. (Hons.) Degree of respondent-University.

Prior to the filing of this writ petition, there was another Writ Petition No. 1007 of 2001 filed by A.P. Backward Classes Welfare Association, Hyderabad, questioning the action of the respondents in not following the rule of Reservation in respondent-University. The said writ petition was disposed of expecting that the Executive Council of the respondent-University would take decision in the matter before 15.3.2002.

There is no dispute that reservation for Scheduled Castes and Scheduled Tribes is provided for in the respondent-University, but, there is no reservation for B.Cs., or O.B.Cs. The Executive Council of the respondent-University did take decision not to make any reservation for O.B.Cs., either in admissions or in appointments, which was conveyed to the learned counsel for the respondent by the Registrar of the respondent University. In the absence of any challenge to the said decision, the direction prayed for in this writ petition cannot be issued.

Accordingly, we dismiss the writ petition with liberty reserved to the petitioner-association to challenge the decision of the Executive Council of the respondent-University in accordance with law. No costs.

_____ DEVINDER GUPTA, CJ

Date: 30th November, 2004

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G. ROHINI, J

Pnb

To

1 The Registrar,

NALSAR,
University of Law, Hyderabad
2 The Secretary, Law Department, Government of A.P.
Hyderabad.

3 Two C.Cs. to the Government Pleader for Social Welfare, High Court

Buildings, Hyderabad.(OUT)

4 Two C.D copies